



(3) Plaintiff dismisses with prejudice all claims against the City and County of San Francisco except those for vicarious liability (*respondeat superior*) for any negligence on the part of their employee, Officer Milen S. Banegas, based on her alleged use of force;

(4) Plaintiff dismisses with prejudice all claims against Officer Milen S. Banegas except for excessive force under 42 U.S.C. § 1983, a violation of California Civil Code § 52.1, negligence based on her alleged force, assault, and battery.

Plaintiff's remaining causes of action consist exclusively of the following: (1) a claim against Officer Banegas for excessive force under 42 U.S.C. § 1983; (2) a claim against Officer Banegas for a violation of California Civil Code § 52.1; (3) a claim against Officer Banegas for assault and battery; (4) a claim against Officer Banegas for negligence based on her alleged force; (5) a claim against the City and County of San Francisco for vicarious liability (*respondeat superior*) for any negligence on the part of Officer Banegas based on her alleged use of force.

IT IS SO STIPULATED.

DATED: June 3, 2011

HELBRAUN LAW FIRM

/s/ David M. Helbraun

DAVID M. HELBRAUN  
Attorneys for Plaintiff  
ANDREW MATTINGLY

DATED: June 3, 2011

DENNIS J. HERRERA  
SAN FRANCISCO CITY ATTORNEY

/s/ Joshua S. White


JOSHUA S. WHITE  
Attorneys for Defendants

**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: \_\_\_\_\_

6.6.11

  
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HON. JACQUELINE SCOTT CORLEY  
United States Magistrate Judge